

HARBOR COMMISSION AGENDA

City of Newport Beach
3300 Newport Blvd.
Council Chambers
Wednesday, July 13, 2011
Regular Meeting: 6:00 pm

Doug West
Duncan McIntosh
Marshall Duffield
Brad Avery

Karen Rhyne
Ralph Rodheim
Vincent Valdes

CALL TO ORDER 6:00 P.M.

ROLL CALL / INTRODUCTION

The Commissioners sitting before you are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council at large by majority vote for 4-year terms. The people sitting at the table in front are City staff members and a Council Member who are here to advise us during the meeting. Immediately to my left are:

*Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor
Council Member Nancy Gardner, Council Liaison to the Harbor Commission*

PLEDGE OF ALLEGIANCE

SPECIAL ANNOUNCEMENT: Welcome Brad Avery to Harbor Commission. Commissioner Avery was appointed to the Harbor Commission by City Council in June.

MINUTES

Recommended Action: Approve Minutes from June 2011.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission, and on items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

Regular meetings of the Harbor Commission are generally held on the second Wednesday of each month at 6:00 p.m. Staff reports or other written documentation have been prepared. The agendas, minutes and staff reports are available on the City's web site the Friday afternoon before the meeting. The address is: <http://newportbeachca.gov/> under Agendas & Minutes, then Harbor Commission. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Harbor Resources staff at (949) 644-3041.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Shannon Levin, Harbor Resources Supervisor, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. (949-644-3041 or Shannon@newportbeachca.gov).

PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission. Speakers must limit comments to 3-minutes. Before speaking, please state your name and address for the record.

ALL TESTIMONY GIVEN BEFORE THE HARBOR COMMISSION IS TAPE RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.)

ACTION & APPEAL ITEMS

ITEM #1

Subject: Election of Officers

Abstract: The Harbor Commission will elect officers for the 2011-2012 year.

Discussion:

Public Comments:

Action:

1. Elect Chairman
2. Elect Vice-Chairman
3. Elect Secretary

ITEM #2

Subject: Deep Sea Cat LLC – Request for Extension and Alternate Mooring Location for the *Cheyenne*

Abstract: Due to the mobilization of dredge equipment for the Rhine Channel Project, Deep Sea Cat LLC is requesting the Harbor Commission to grant an extension and to consider alternate mooring locations throughout the harbor for the catamaran *Cheyenne*.

Discussion:

Public Comments:

Action:

1. Grant an extension and to consider the alternative mooring locations as proposed by Deep Sea Cat for the *Cheyenne*, and recommend that Harbor Resources issue and approval for the most appropriate location.

SUB-COMMITTEE REPORTS

QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

HARBOR RESOURCES UPDATE – Receive and File

PUBLIC COMMENTS ON SUB-COMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

COMMISSIONER'S ANNOUNCEMENTS OR MATTERS TO BE PLACED ON FUTURE AGENDAS FOR DISCUSSION, ACTION OR REPORT

RECOMMENDED TOPICS FOR FUTURE AGENDAS

- Eelgrass
- Dinghy Dock at Lido Bridge – New public pier
- Bilge pump-out options

DATE AND TIME FOR NEXT MEETING: Wednesday, August 10, 2011 at 6pm.



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
July 13, 2011

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Election of Officers

ABSTRACT:

The Harbor Commission will elect officers for the 2011-2012 year.

RECOMMENDATION:

1. Elect Chairman.
2. Elect Vice-Chairman.
3. Elect Secretary.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in black ink, appearing to read "Chris Miller", written over a horizontal line.

Chris Miller



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 2
July 13, 2011

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
(949) 644-3043, cmiller@newportbeachca.gov

SUBJECT: Deep Sea Cat LLC – Request for Extension and Alternate Mooring Location for the *Cheyenne*

ABSTRACT:

Due to the mobilization of dredge equipment for the Rhine Channel Project, Deep Sea Cat LLC is requesting the Harbor Commission to grant an extension and to consider alternate mooring locations throughout the harbor for the catamaran *Cheyenne*.

RECOMMENDATION:

1. Grant an extension and to consider the alternative mooring locations as proposed by Deep Sea Cat for the *Cheyenne*, and recommend that Harbor Resources issue an approval for the most appropriate location.

FUNDING REQUIREMENTS

There is no fiscal impact related to this item.

DISCUSSION:

In February 2011, the Harbor Commission approved a special request for the *Cheyenne* to moor at a location near Harbor Island and across from Bay Shores. This location provided minimal impact to the harbor community because it was where the former dredging barges were moored during the Upper Bay project, and hence, the public was used to working around the obstacle in that channel. The *Cheyenne* was granted this 90 approval from March to May 2011 based on the projection of their departure schedule.

Unfortunately, the *Cheyenne* has had some unexpected delays with the delivery of the submarine, and Deep Sea Cat is requesting additional time to moor the *Cheyenne* in Newport Harbor until October 5 with a quick return trip to Newport from October 17-31.

However, the City is contractually obligated to provide that same mooring space to Dutra Dredging Company who will be mobilizing for the Rhine Channel project on July 15. For this reason, Deep Sea Cat is requesting an alternate location in Newport.

Attachment "A" depicts several locations that are proposed for the Cheyenne with location #1 as being the most preferred by the applicant.

Location #1:

This area is located just north of the double ended moorings between 10th and 11th Streets on the Peninsula. The applicant has taken the catamaran there for a trial run, and they feel this is the best location while still giving the Rhine barges plenty of room to traverse in that channel. According to the applicant, that channel would be approximately 350' wide after the Cheyenne is moored. Deep Sea Cat feels this would be the best area for the following reasons:

1. Minimal channel impact.
2. Minimal sailing impact.
3. Minimal barge impact.
4. Reasonable distance from housing.
5. Good access to support facilities (Lido Isle and Newport Harbor Yacht Clubs)
6. Easy maneuverability for the catamaran.

Location #2:

This area is located just behind the existing location, but closer to the tip of Linda Isle. The applicant feels this area would be tight, but viable.

Location #3:

This area is just north of the "G" mooring field, closer to the Coast Highway Bridge. The applicant feels this area can be shallow at times.

Location #4:

This area is in the Turning Basin near Lido Marina Village. The applicant feels this would be a good second alternative if location #1 is not suitable, but it is very close to the majority of the charter boat fleet.

The applicant has received letters of support from various harbor organizations (see attached), and they have committed to abiding by the same Conditions that were previously approved by the Harbor Commission.

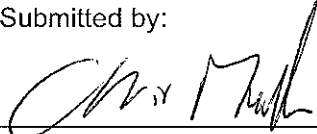
ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

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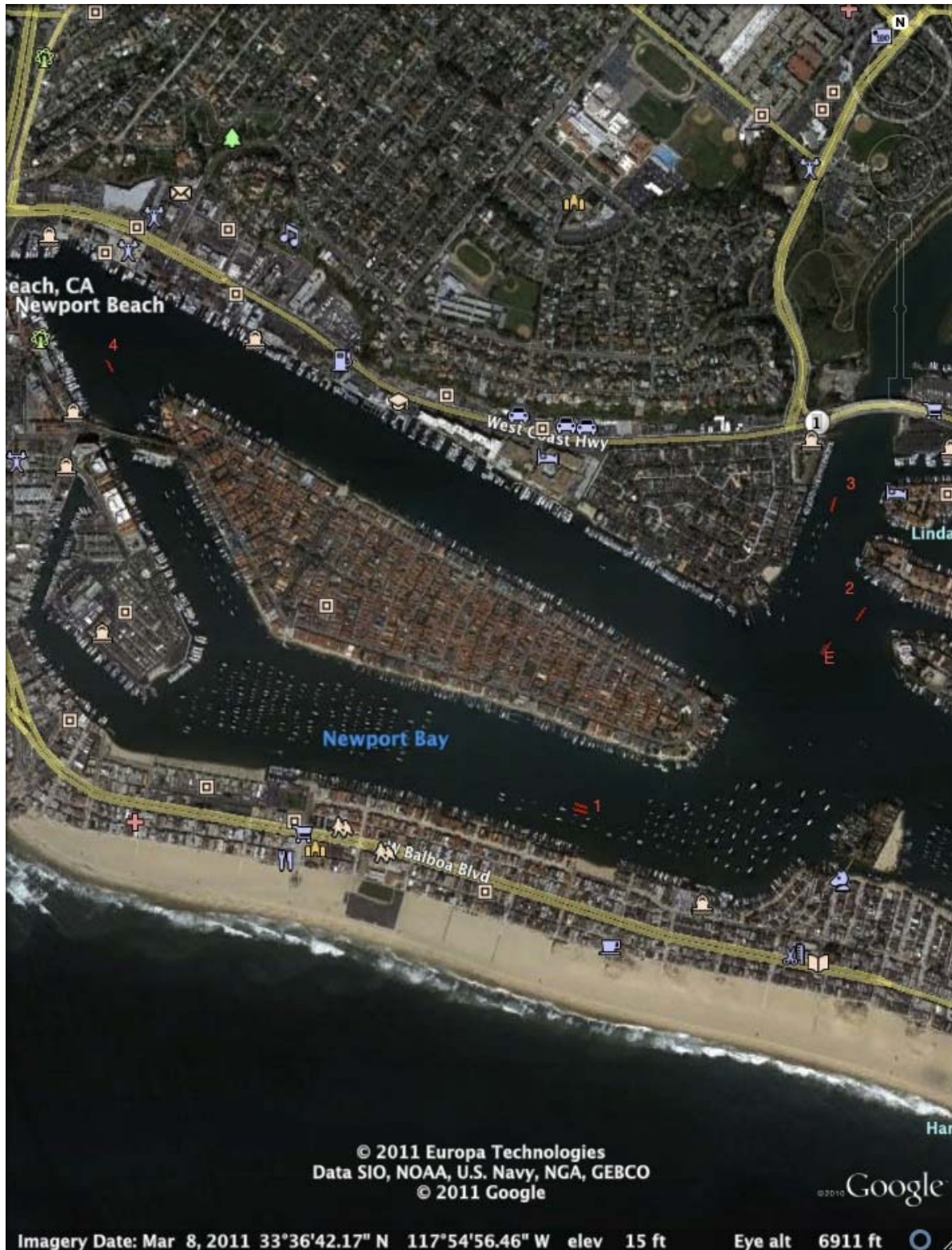
Submitted by:

A handwritten signature in black ink, appearing to read "Chris Miller", is written over a horizontal line.

Chris Miller
Harbor Resources Manager

- Attachments:
- A. Aerial Photo of Alternative Locations
 - B. Views from Location #1
 - C. Letters of Support
 - D. Current Conditions of Approval

Attachment A
Aerial Photo of Alternative Locations



Attachment B
Views from Location #1

Looking North Towards Lido Isle, Via Lido Soud



Looking West Towards “H” Mooring Field and the American Legion



Looking South Towards the Peninsula



Looking East Toward the Anchorage



Attachment C
Letters of Support



July 6, 2011

Mr. Chris Miller
Harbor Resources Manager
City of Newport Beach
3300 Newport Blvd
Newport Beach, CA 92663

Dear Chris:

I wanted to share with you a quick story and sentiment.

On Tuesday, July 5, the Virgin Oceanic Catamaran visited the Newport Sea Base. Over 200 Scouts, volunteers and onlookers experienced the magnificent 125 foot vessel. A tour through the infamous catamaran was lead by explorer/owner Chris Welsh, and his brother, Doug Welsh. The explorer's enthusiasm and support of the Scouts in Orange County was very well received and much appreciated.

With a commitment to developing character, our desire is to inspire a love for the marine environment in the hearts of youth. Yesterday, I saw youth and adults in our community become inspired by the thought of deep sea exploration and transoceanic sailing---right here in our harbor! Therefore, I wanted to share with you my support for the Virgin Oceanic Catamaran, its mission and its request for moorage in Newport Harbor.

If you have any questions, please feel free to contact me at 949.642.5031, ext. 333.

Sincerely,

Shana Aguirre
Director
Newport Sea Base
Orange County Council, Boy Scouts of America



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William C. Shephard

Chairman, Allergan, Inc., Retired

Joseph Vallejo

Owner, Vallejo Gallery

James P. Warmington

Chairman, Warmington Homes

June 7, 2011

Mr. Chris Welsh

The Five Dives Expedition

RE: Cheyenne Mooring

Dear Chris:

It has been an exciting few months for the Newport Harbor Nautical Museum/ ExplorOcean due to our association with The Five Dives Expedition. We have gained greater visibility and new opportunities with news of the mission and your visible presence in the Harbor. Your fascinating lecture through our Waterman Lecture Series last month was met with unprecedented support by our supporters and the community at large. It was a grand event for us with over 400 guests in attendance.

As you know, we are working on the development of educational programming on the subject of exploration with a focus on the Five Dives Expedition. Access to the catamaran in the Harbor through the summer would lead to continued visibility and opportunity for us, especially as we develop this educational initiative and learn of new funding opportunities to support it. This program will ultimately serve the students of our community and county at large.

So thank you again Chris for your support of our efforts and for this unmatched opportunity for NHNM/ExplorOcean to be aligned with the Five Dives Expedition. We remain hopeful that while preparations are being made for Five Dives, your presence and our continued access to your project will remain close to us here in Newport Harbor.

Look forward to seeing you again soon.

Best regards,

Rita Stenlund

President





July 8, 2011

Mr. Chris Miller
Harbor Administrator
CMiller@newportbeachca.gov

Dear Chris:

Visit Newport Beach would like to express our support in finding a new location for the Virgin Oceanic Cheyenne Sub and keeping it permanently in the Newport Harbor.

The Virgin Oceanic exploration project has created a positive impact on Newport Beach to date and will continue to as we work closely with Chris Welsh and the Virgin team to leverage its location here in Newport Beach. They have worked hard to make it a positive attraction for the local community; this has included tours for many yachtsmen, over 200 Boy Scouts, and speaking to over 400 at the Nautical Museum's Waterman Series and over 200 at Visit Newport Beach Inc.'s Annual Dinner. We would be very disappointed if it were not to remain here in Newport Beach, where it debuted earlier this year.

Additionally, there is an active effort to create a tourist and educational program around the Virgin Oceanic Submarine and it wouldn't have half the impact if it weren't actually here for people to view in person.

Thank you for your time and consideration of this letter in support of keeping Cheyenne here in Newport Beach. Please refer to Chris Welsh's letter for the best future locations.

Very Truly Yours,

Caroline Rustigian Bruderer
Director of Public Relations & Communications
Visit Newport Beach Inc.
949.467.2745
caroline@visitnewportbeach.com

Attachment D
Current Conditions of Approval



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
Harbor Resources

March 21, 2011

Mr. Chris Welsh
fivedives@gmail.com

RE: Conditions of Approval for Mooring the *Cheyenne*

Mr. Welsh,

Per the Harbor Commission's recommendation on February 9, 2011 to approve your request to moor the *Cheyenne* in the channel between Harbor Island and Bayshores, I am authorizing this activity with the following Conditions:

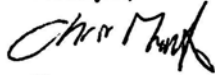
1. Five Dives may occupy the mooring space previously occupied by the dredge scows (for the Upper Bay and Dover Shores Dredging projects), for 90 days. If Five Dives decides to use alternate buoys instead of the existing contractor's buoys, then the new buoys must be in the exact same location occupying the same footprint.
2. *Cheyenne* must be "bridled" on either end so the vessel is centered on each mooring can.
3. Newport Harbor is a No Discharge harbor. *Cheyenne* will keep dye tablets in the holding tank at all times. The vessel shall be pumped out regularly by a local service with records of the pump outs available upon request along with a summary statement of the pump out service provided at the end of 90 days. Regular inspections of the holding tanks will be permitted by City and/or County staff.
4. Five Dives shall take all precautionary measures to prevent sea lions from hauling out on the vessel.
5. *Cheyenne* will be lit at night according to Coast Guard regulations, with additional lights on all four corners of the vessel. Any bright work lights must be used sparingly being extremely careful to avoid bright lights shining in the surrounding resident's windows.
6. Five Dives will provide Harbor Patrol and Harbor Resources with emergency contact information of the key members of the team.
7. Because this mooring location is over County Tidelands, Five Dives will seek approval from the County.
8. Five Dives shall submit a Notice to Mariners with the Coast Guard in accordance to their procedures.

829 Harbor Island Drive, Newport Beach, CA 92660
PH: (949) 644-3034 FX: (949) 723-0589 • www.newportbeachca.gov/harborresources

2

Please sign on the line below and return to my attention prior to mooring in Newport Harbor.

Thank you,



Chris Miller
Harbor Resources Manager

Acknowledgment:

I agree to the Conditions as outlined above for mooring the *Cheyenne* in Newport Harbor.


Chris Welsh, Five Dives C.C. Manager

3-23-11
Date